

City Council Agenda

Council President
Brad Castillo

Councilmembers

Tom Boyajian
Brian Calhoun
Mike Dages
City Manager
Daniel G. Hobbs

City Clerk
Rebecca E. Klisch , CMC

Jerry Duncan
Henry T. Perea, Acting President
Cynthia Sterling
City Attorney
Hilda Cantú Montoy

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650

The City Council welcomes you to this meeting.

OCTOBER 26, 2004

If you would like to speak fill out a speaker request form available from the City Clerk's Office and in the Council Chambers. The agenda is available on (www.ci.fresno.ca.us). The Council meeting can also be heard live at the same web site address.

8:30 A.M. ROLL CALL

Invocation

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Presentation of the 4th Annual Orchid Awards – Councilmember Calhoun

Council action on unscheduled items if any shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda. For each matter considered by the Council there will first be a staff presentation followed by a presentation from the project applicant. Testimony from those in attendance will then be taken. All testimony given will be limited to three minutes per person.

The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker. The green light will be turned on when the speaker begins. The yellow light will come on with one minute remaining and one tone will sound. The speaker should be completing the testimony by the time the red light comes on and two tones sound, indicating that time has expired.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve minutes of October 19, 2004

Action Taken:

Councilmembers Reports and Comments

Action Taken:

Approve Agenda

Action Taken:

Adopt Consent Calendar

Action Taken:

1. **GENERAL CONSENT CALENDAR**

(All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered at 2:00 p.m.)

A. Approve an agreement for professional services with Allred Engineering for construction management services for the Regional Wastewater Facility Organic Upgrade Project – Public Works Dept.

Action Taken:

B. * Approve Contract Change Order No. 1 (CCO #1) for Basin "T" Expansion – Public Works Dept.

Action Taken:

1. * **RESOLUTION** – 34th amendment to AAR No. 2004-209 appropriating \$80,000 for Change Order #1 associated with additional work related to the GAP Ponding Basin "T" expansion and storm drainage improvements **(Requires 5 affirmative votes)**

C. * Approve the purchase of land for a community park to be situated on the north side of E. Belmont Avenue between Sunnyside and Fowler Avenues- Public Works Dept.

Action Taken:

D. * **RESOLUTION** - 30th amendment to AAR No. 2004-209 appropriating \$412,400 from the parking fund reserves for the remodel of Parking Garage #9 **(Requires 5 affirmative votes)** – Public Works Dept.

Action Taken:

E. * Approve the acquisition of street easements across three (3) parcels for the Elm Avenue improvement project – Public Works Dept.

Action Taken:

F. * **RESOLUTION** - 28th amendment to the AAR (AAR) No. 2004-209 for the rebudget of capital projects totaling \$155,200 in the Airports Department for concurrence with Airport Improvement Program grants received from the Federal Aviation Administration (FAA) **(Requires 5 affirmative votes)** – Airports Dept.

Action Taken:

G. Authorize the City of Fresno to enter into an agreement with California State University, Fresno (CSUF) to provide police services under the Contract Law Enforcement Program – Police Dept.

Action Taken:

H. * **RESOLUTION** – 31st amendment to AAR No. 2004-209 appropriating \$49,000 for the Fresno Police Department's Homeland Security Grant Program **(Requires 5 affirmative votes)** – Airports Dept. – Police Department

Action Taken:

1. **GENERAL CONSENT CALENDAR CONTINUED**

- I. Reject all bids for a requirements contract for water quality testing (rebid) – General Services Dept./Dept. of Public Utilities
Action Taken:
- J. * Award a requirements contract to Central Valley Truck Center of Fresno for rear loading refuse trucks – General Services Dept./Dept. of Public Utilities
Action Taken:
- K. * **RESOLUTION** – 29th amendment to AAR No. 2004-209 adjusting revenues and appropriations in the Municipal Service Center (MSC) solar system fund to provide for the completion of the energy efficiency project as previously appropriated **(Requires 5 affirmative votes)**
- L. * Award a contract to Steve Dovali Construction of Fresno for construction of reclamation water system pressure boxes at the Fresno/Clovis Regional Wastewater Reclamation Facility – General Service Dept./Purchasing/Wastewater Management Division
Action Taken:
- M. Consideration of Contract Change Order No. 3 for the Air Cargo Project at Fresno Yosemite International Airport (FAA AIP Project No. 3-06-0087-34, 35, 39 and 44) – Airports Dept.
Action Taken:
- N. * **RESOLUTION** – 33rd amendment to AAR No. 2004-209 appropriating \$97,700 in grant funds from the State of California Integrated Waste Management Board **(Requires 5 affirmative votes)** – Planning and Development Dept./Code Enforcement Division
Action Taken:
- O. **ITEM REMOVED FROM THE AGENDA**
- P. **RESOLUTION** – Amending and superseding Resolution No. 2004-376 approving the application for and acceptance of grant funds for the State Urban Parks and Healthy Communities Program under the Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 for a bike park or a dual-purpose bike and skateboard park – PR&CS
Action Taken:
- Q. **BILL – (For introduction)** – Amending the Text Amendment Application No. TA-04-02 of the Zoning Ordinance of the Fresno Municipal Code and Environmental Findings relating to the temporary waiver of a UGM Fire Service Development Restriction – Planning and Development Dept.
Action Taken:
- R. Grant JVD, Inc. relief from their bid due to an inadvertent clerical error and reject the remaining bids for N. Eighth Street, Roberts to Bullard Avenues, concrete repairs – Public Works Dept.
Action Taken:
- S. **BILL – (For introduction)** - Amending Chapter 6, Article 12 of the Fresno Municipal Code regarding regulation of private patrol operators – Police Dept.
Action Taken:
- T. * **BILL NO. B-109 – (For adoption)** - To allow for free parking for qualified low emission vehicles at meters and various select City-owned facilities (permanently changes prior ordinance for 1 year test period) – Public Works Dept.
Action Taken:

1. **GENERAL CONSENT CALENDAR CONTINUED**

- U. * **BILL NO. B-106 – (For adoption)** – Amending Section 9-811 of the Fresno Municipal Code relating to the maintenance and security of vacant buildings within the City of Fresno - Code Enforcement Division

Action Taken:

2. **GENERAL ADMINISTRATION**

- A. **BILL – (For introduction and adoption)** - Adding Section 8-221 to Article 2 of Chapter 8 of the Fresno Municipal Code relating to medical marijuana dispensaries – Police Department

Action Taken:

- B. * **RESOLUTION** - 35th amendment to AAR No. 2004-209 appropriating \$572,000 from the sale of three (3) piston helicopters and associated avionics parts for the down payment on one (1) Eurocopter 120 Turbine helicopter and the purchase of associated avionics parts **(Requires 5 affirmative votes)** – Police Dept.

Action Taken:

1. * **RESOLUTION** - Approving the reallocation of \$120,000 from contingency in the asset forfeiture fund for the FY 2005 annual lease payment on one (1) Eurocopter 120 Turbine helicopter

Action Taken:

2. * Authorize the Purchasing Manager to purchase a Eurocopter 120 Turbine Helicopter from American Eurocopter including factory installed avionics at an increased price of \$1,467,700

Action Taken:

- C. Approve agreements with Rapula Sculpture and Beer Monuments for services provided for the Lao Hmong American War Memorial Monument and authorize authority necessary for contract amendments - Mayor's Office

Action Taken:

- D. **RESOLUTION** – Supporting Proposition 1A to prevent the State from further taking local government revenues – Mayor's Office

Action Taken:

3. **CITY COUNCIL**

SCHEDULED COUNCIL HEARINGS AND MATTERS

9:15 A.M.

PUBLIC COMMENT PERIOD – No Council action except to place on future agenda.
Presentation limited to three (3) minutes:

- A. **SCHEDULED PUBLIC COMMENT –**

- B. **UNSCHEDULED COMMUNICATION** – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least ten (10) days prior to the desired date.

COUNCIL HEARINGS AND MATTERS CONTINUED

- 10:00 A.M. HEARING** to consider the adoption of a resolution ordering the vacation of the northwest four (4) feet of Amador Street between "H" and Broadway Streets, reserving a public utility easement over a portion of the area to be vacated – Public Works Dept.
Action Taken:
a. * **RESOLUTION** - Ordering the vacation of the northwest four (4) feet of Amador Street between "H" and Broadway Streets, reserving a public utility easement over a portion of the area to be vacated
Action Taken:
- 10:05 A.M. HEARING** to consider the adoption of a resolution ordering the vacation of a portion of James Street between Herndon Avenue and Elgin Street and Farrington Street between Freeway 99 and James Street – Public Works Dept.
Action Taken:
a. * **RESOLUTION** - Ordering the vacation of a portion of James Street between Herndon Avenue and Elgin Street and Farrington Street between Freeway 99 and James Street
Action Taken:
- 10:10 A.M. HEARING** Regarding City of Fresno Community Facilities District No. 2, Annexation No. 78, Final Tract Map No. 5078
Action Taken:
a. **RESOLUTION** – Annexing territory to Community Facilities District No. 2, Annexation No. 78, Final Tract Map No. 5078
Action Taken:
b. **RESOLUTION** – Calling a special mailed-ballot election
Action Taken:
c. **RESOLUTION** – Declaring election results
Action Taken:
d. * **BILL** – Levying a special tax for the property tax year 2003-2004 and future tax years within and relating to Community Facilities District No. 2, Annexation No. 78, Final Tract Map No. 5078
Action Taken:
- 10:15 A.M. PUBLIC HEARING** Regarding City of Fresno Community Facilities District No. 2, Annexation No. 80, Final Tract Map No. 5228
a. **RESOLUTION** – Annexing territory to Community Facilities District No. 2, Annexation No. 80, Final Tract Map No. 5228
Action Taken:
b. **RESOLUTION** – Calling a special mailed-ballot election
Action Taken:
c. **RESOLUTION** – Declaring election results
Action Taken:
d. * **BILL** – Levying a special tax for the property tax year 2003-2004 and future tax years within and relating to Community Facilities District No. 2, Annexation No. 80, Final Tract Map No. 5228
Action Taken:

COUNCIL HEARINGS AND MATTERS CONTINUED

- 10:20 A.M.** **HEARING** to consider Plan Amendment Application No. A-03-16, Rezone Application No. R-03-77, and environmental findings, filed by Copper River Ranch, for 2.37 acres of property located on the northeast and southeast corners of N. Friant Road and E. Copper Avenue (***Property located in District 6***)
Action Taken:
- a. Consider and adopt finding of Mitigated Negative Declaration for Environmental Assessment No. A-03-16/R-03-77
Action Taken:
 - b. **RESOLUTION** – Amending the 2025 Fresno General Plan and the Woodward Park Community Plan
Action Taken:
 - c. **BILL** - Amending the Official Zone Map to rezone the subject property **from** the R-3/UGM/cz (*Medium Density Multiple Family Residential/Urban Growth Management/conditions of zoning*) **to** the C-1/EA/UGM/cz (*Neighborhood Shopping Center/Expressway Area Overlay/Urban Growth Management/conditions of zoning*) zone district for 2.0 acres; **and from** the R-1/EA/UGM/cz (*Single Family Residential/Urban Growth Management/conditions of zoning*) **to** the P/EA/UGM/cz (*Parking/Expressway Area Overlay/Urban Growth Management*) zone district for 0.37 acre
Action Taken:
- 10:30 A.M.** Discussion regarding smoking in public parks with direction to staff as needed – Acting President Perea
Action Taken:
- 11:00 A.M.** Acceptance of the Civil Service Board recommendation that elected officials' compensation remain the same – Personnel Services Dept.
Action Taken:
- 2:00 P.M.#1** **CLOSED SESSION**
- A.** **CONFERENCE WITH LABOR NEGOTIATOR** – Government Code Section 54957.6, **City Negotiator(s):** Jon Ruiz, Adela Gonzalez, Kathy Eckerson, and Bob LaSala
Employee Organization(s):
1. Fresno Police Officers' Association (FPOA Management Unit)
Action Taken:
- 2:00 P.M.#2** **JOINT CLOSED SESSION WITH THE REDEVELOPMENT AGENCY**
- B.** **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** – Government Code Section 54956.9, Subdivision (a)
1. **Case Name:** City of Fresno v. Clifford Tutelian, et al., Fresno Superior Court Case No. 03 CE CG 02180 DSB
Action Taken:
- 2:00 P.M. #2** **CLOSED SESSION ANNOUNCEMENTS (IF ANY)**
- 2:00 P.M.** **CONTESTED CONSENT CALENDAR**

COUNCIL HEARINGS AND MATTERS CONTINUED

2:30 P.M.

JOINT MEETING WITH THE REDEVELOPMENT AGENCY

Approve Agency minutes of October 19, 2004

Action Taken:

- A. Recommend approval of the Mid State Bowl Redevelopment Project:
1. **RESOLUTION** - Consider approval of the Disposition and Development Agreement between the RDA and "master developer" Noyan/Frazier Properties LLC. , and sale of the Mid State Bowl property at the southwest corner of Clinton and Weber Avenues **(Council and Agency action)**
Action Taken:
- B. **JOINT HEARING** to consider approval and adoption of the following documents regarding Old Armenian Town Project:
1. **RESOLUTION** – Certifying Environmental Impact Report (EIR) SCH #2003051046 for the Old Armenian Town Project bounded by “O” Street, Ventura Street, “M” Street and Freeway 41
Action Taken:
 2. **RESOLUTION** - Approving Master Disposition and Development Agreement and related summary report (Health and Safety Code Section 33433) for the sale and development of approximately 7.67 acres of land for the Old Armenian Town project bounded by “O” Street, Ventura Street, “M” Street and Freeway 41 within the Convention Center Redevelopment Project area **(Council and Agency action)**
Action Taken:

ADJOURN AGENCY

3:45 P.M.

CONTINUED HEARING to consider Rezone Application No. R-04-20, Conditional Use Permit Application No. C-03-89, and environmental findings, filed by Logan and Associates on behalf of Spalding Wathen, pertaining to a 28.01-acre parcel of land located generally on the southwest corner of W. Ashlan Avenue and Parkway Drive **(Property located in District 1)** - Planning and Development Dept.

Action Taken:

- a. Consider and adopt finding of Mitigated Negative Declaration for Environmental Assessment No. R-04-20/C-03-89
Action Taken:
- b. **RESOLUTION** – Approving Conditional Use Permit Application No. C-03-89
Action Taken:
- c. **BILL** - Amending the Official Zone Map to rezone the subject property **from** the R-2/UGM/cz (*Low Density Multiple Family Residential/Urban Growth Management/conditions of zoning*) **and** R-3/UGM/cz (*Medium Density Multiple Family Residential/Urban Growth Management/conditions of zoning*) zone districts **to** the R-2/UGM/cz (*Low Density Multiple Family Residential/Urban Growth Management/ conditions of zoning*) **and** R-3/UGM/cz (*Medium Density Multiple Family Residential/ Urban Growth Management/conditions of zoning*) zone districts
Action Taken:

4:00 p.m.

Consideration of 418th amendment to MFS Resolution No. 80-420 regarding increases to the traffic signal impact fee approved by Council on August 17, 2004 – Public Works Dept.

Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS

Nov. 2 - **NO MEETING – ELECTION DAY**
Nov. 9 - 8:30 A.M. Presentation of Fresno Area Express Driver Appreciation Awards
Nov. 9 - 10:00 A.M. Presentation of Employee Service Awards (*Reception immediately following – 2nd floor foyer*)
Nov. 9 - 10:30 A.M. **CONTINUED HEARING** re: Community Facilities District No. 2, Annexation No. 77, Final Tract Map No. 5370
Nov. 9 - 10:30 A.M.- Noon **Closed Session**
Nov. 9 - 2:30 P.M. **HEARING** re: Text Amendment No. TA-04-02, relating to temporary waiver of UGM fire service development restrictions – Planning and Dev. Dept.
Nov. 9 - 3:00 P.M. **HEARING** re: amending fees for Fresno Metro Flood Control District
Nov. 9 - 3:30 P.M. **CONTINUED HEARING** re: Plan Amendment Application No. A-03-17, initiated by the Planning and Development Director upon request by District 5
Nov. 16 - **NO MEETING – VETERAN'S DAY**
Nov. 23 - **NO MEETING – THANKSGIVING WEEK**
Nov. 30 - 10:00 A.M. **HEARING** re: Community Facilities District No. 2, Annexation No. 81, Final Tract Map No. 5258
Nov. 30 - 10:05 A.M. **HEARING** re: Community Facilities District No. 2, Annexation No. 82, Final Tract Map No. 5295
Dec. 7 - 10:00 A.M. **HEARING** re: Text Amendment No. TA-03-02, second dwelling in single family zone districts
Dec. 7 - 10:15 A.M. **HEARING** re: vacation of a portion of Marks Avenue south of Freeway 99
Dec. 14 - 4:30 P.M. **CONTINUE HEARING** to consider Fresno City Planning Commission decision regarding Conditional Use Permit (CUP) Application No. C-02-226, and environmental findings, filed by Wilkins Enterprises
Dec. 21 - **NO MEETING – CHRISTMAS WEEK**
Dec. 28 - **NO MEETING – NEW YEAR'S WEEK**

(Future workshops – dates to be determined)

WORKSHOP and direction regarding Cal Trans/City partnership – Public Works Dept. and Planning and Development Dept.

WORKSHOP re: SEMS